

RECORD OF PROCEEDINGS
COLORADO STATE BOARD OF VETERINARY MEDICINE

PUBLIC MINUTES
June 15, 2011

Notice of this meeting was published at www.dora.state.co.us/veterinarians/publicnotices.htm at least 7 days in advance of the meeting date.

I. CONVENE

The Open Session of the meeting for the State Board of Veterinary Medicine was convened at One Civic Center Plaza, 1560 Broadway, Conference Room 1550 Large, Denver, Colorado 80202 at 8:50 a.m. by Michael Gotchey, DVM, President.

Board Members Present

Michael Gotchey, DVM, President
Richard Leone, DVM, Vice-President
Joni Edwards, DVM, Secretary
Kim Stone, DVM
Kristin Woestehoff, DVM
Stacy Worthington, Public Member

Staff

Maulid Miskell, Program Director
Leanne Clasen, Program Manager
Paul S. Wilson, Program Specialist
Rita Quinn, Assistant Attorney General
Abigail Gaskins, Compliance Monitor
John Steele, Office of Expedited Settlement

II. REPORTS

Report from the Program Director, Maulid Miskell

Mr. Miskell reminded those in attendance that there is to be no discussion or input from the public during deliberations of cases since all the information necessary for Board consideration was provided ahead of time, in writing. He also reminded the Board Members of the confidential nature of letters of concern.

Final revisions to Veterinary Practice Act, SB-11-091

Board noted.

III. OPEN FORUM

Ralph Johnson of the CVMA updated Board members on the Sunset bill and requested that the Board clarify in Rules the reinstatement process for lapsed licensees. Denise Mikita of the CACVT stated the association has a new board member for strategic planning and reminded the Board of an upcoming presentation by Mo Miskell on potential licensure for veterinary technicians scheduled for August 2, 2011.

IV. CONTINUING EDUCATION

Memorandum on the Registry of Alternative and Integrative Veterinary Medical Education (RAIVE)

Board noted.

Continuing Education Approval Request to Entire Board from International Veterinary Acupuncture Society

A motion was made, seconded, and carried to approve these requests.

Continuing Education Approval Request to Entire Board from American Holistic Veterinary Medical Association

A motion was made, seconded, and carried to deny these requests. Dr. Edwards and Ms. Worthington opposed. Dr. Woestehoff abstained.

Continuing Education Approval Requests – Joni Edwards, DVM, Board Secretary

The bi-monthly requests were reviewed in advance by Dr. Edwards. A motion was made, seconded, and carried to approve all continuing education requests as submitted with the exception of the following request:

A motion was made, seconded, and carried to table request # 10 pending further information.

V. LICENSING

Memorandum regarding newly licensed Veterinarians. (Consent Item)

A motion was made, seconded, and carried to approve all newly licensed Veterinarians either by exam or endorsement.

Yes application, Pamela Brown, DVM

A motion was made, seconded, and carried to approve the application for licensure.

VI. UNFINISHED BUSINESS

Wesley Fortik, unlicensed Case #2011-002382 and 2011-002105

After careful consideration of the information provided, a motion was made, seconded, and carried to refer these cases to the Attorney General's Office for issuance of a Cease and Desist Order for unlicensed practice.

VII. NEW BUSINESS

Prescription Drug Monitoring Program - Chris Gassen, State Board of Pharmacy
Board noted.

AAVSB 2011 activities & updates
Board noted.

AAVSB Proposed Bylaws
Board noted.

AVMA provisional accreditation of the Colorado Academy of Veterinary Technology
Board noted.

Board Officers

A motion was made, seconded, and carried to nominate Richard Leone as President, Joni Edwards as Vice-President, and Kim Stone as Secretary for the Board. A motion was made, seconded, and carried to elect all of the nominees.

VIII. INITIAL REVIEW

AGENDA ITEM #1 Sara Mark, DVM # 4074 Case #2011-004107

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action.

AGENDA ITEM #2 Jennifer Adams, DVM # 6552 Case #2011-004109

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action.

AGENDA ITEM #3 Lisa Boals, DVM # 8674 Case #2011-004106

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action. Upon returning to Open Session, a motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

AGENDA ITEM #4 Joseph Clark, DVM # 1176 Case #2011-003199

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit.

AGENDA ITEM #5 Chad Martin, DVM # 7543 Case #2011-004095

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case as being without merit.

AGENDA ITEM #6 Laura Heotis, DVM # 8621 Case #2011-004110

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action.

AGENDA ITEM #7 Pauline Lant, DVM # 8317 Case #2011-004111

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action. Upon returning to Open Session, a motion was made, seconded, and carried to dismiss the case as being without merit.

AGENDA ITEM #8 Gyula Joo, DVM # 3768 Case #2011-003115

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for potential disciplinary action. Upon returning to Open Session, a motion was made, seconded, and carried that the Board finds there are objective and reasonable grounds to believe, and finds upon full investigation that the public health and safety or welfare imperatively requires emergency action, and incorporates its findings in its order and moves to summarily suspend the license of Gyula Joo, pending revocation proceedings.

IX. CASE CONSIDERATION

Timothy Hollaman, DVM

A motion was made, seconded and carried to refer this case to the Attorney General's Office for permanent injunctive relief in District Court.

William Hampton, DC

A motion was made, seconded and carried to refer this case to the Office of Investigations for further investigation.

David Liberman, DC

A motion was made, seconded and carried to refer this case to the Attorney General's Office for issuance of a Cease and Desist Order for unlicensed practice.

Canine Fitness and Fun Center, LLC

After careful consideration of the information provided, the Board found that there was no reasonable cause to warrant further action at this time.

Paws 'n' Tails Hydrotherapy Pool, Inc.

A motion was made, seconded and carried to refer this case to the Office of Investigations for further investigation.

Well Animal Institute, LLC

A motion was made, seconded and carried to refer this case to the Office of Investigations for further investigation

X. STIPULATIONS

Open Stipulations Report -- Abigail Gaskins, Compliance Monitor
May 26, 2011
Board noted.

Case 2009-001760, Lee Bregitzer, DVM # 2082– Memo #1

After careful consideration of the information provided, a motion was made, seconded, and carried to table the fifth practice monitor report for additional information.

Case 2009-001760, Lee Bregitzer, DVM # 2082– Memo #2

After careful consideration of the information provided, a motion was made, seconded, and carried to table the sixth practice monitor report for additional information.

Case 2010-002365, Mark Cochran, DVM # 3252

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session.

Case 20008-000260 & 2008-000610, Kenneth Geohegan, DVM # 5009

After careful consideration of the information provided, a motion was made, seconded, and carried to grant termination from probation.

Case 2010-000551, William Hancock, DVM # 2943

After careful consideration of the information provided, a motion was made, seconded, and carried to grant termination from probation.

Case 2010-002530, Kathleen Harris, DVM # 6844

After careful consideration of the information provided, a motion was made, seconded, and carried to grant termination from probation.

Case 2010-000097, David Luck, DVM # 1384

After careful consideration of the information provided, a motion was made, seconded, and carried to grant termination from probation.

XI. LEGISLATION

House Bills HB 11-1100 and HB 11-1003
Board noted.

XII. POLICIES AND PROCEDURAL ORDERS

A motion was made, seconded, and carried to approve the submitted draft for a Board Procedural Order Regarding Review of Initial Decision, selecting the version without an option for oral argument.

A motion was made, seconded, and carried to approve the submitted draft Policy, Process for Handling Initial Decisions Rendered by an Administrative Law Judge.

A motion was made, seconded, and carried to approve the submitted draft Policy, Process for Handling Complaints Involving State Board of Veterinary Medicine ("Board") Members, striking section III.

XIII. ADJOURNMENT FROM OPEN SESSION

Richard Leone, DVM, Board President, called for a motion on June 15, 2011 at 1:35 p.m. that the State Board of Veterinary Medicine enter into Executive Session for the purpose of discussing with counsel disputes that are the subject of pending or imminent court action, discussing specific claims or grievances, and receiving legal advice on specific legal questions, pursuant to Colorado Revised Statutes section 24-6-402 (3) (a) (II), including:

- ☐ The legal basis for potential disciplinary action, and, where warranted, recommended settlement guidance for matters discussed in open session today and referred to executive session.
 - Case No. 2011-004109 Jennifer Adams
 - Case No. 2011-004107 Sara Mark
 - Case No. 2011-004106 Lisa Boals
 - Case No. 2011-004110 Laura Heotis
 - Case No. 2011-004111 Pauline Lant
 - Case No. 2011-003115 Gyula Joo
 - Case No. 2010-002365 Mark Cochran
- ☐ Settlement, counteroffers and other legal questions pertaining to open cases referred to the Expedited Settlement Program.
 - Case No. 2011-001847 Merilee Laas

- Counteroffers, settlement issues and other legal questions pertaining to cases with the Attorney General's Office, including the case status report, to discuss with counsel.
- Case No. 2011-004059 Peggy Cruder
- Case No. 2010-003494 Lisa Killian
- Case No. 2010-003487 Karen Faunt
- Case No. 2011-000295 Merilee Laas
- Case No. 2010-003491 Ashley Harris
- Case No. 2010-003492 Robert Lester
- Case No. 2009-002152 Joanna Hyland
- Case No. 2009-001166 Joan Murnane. Dr Leone recused himself from the discussion and the vote, and exited the room.
- Case No. 2011-001968 Douglas Ikeler
- Case No. 2010-003496 Jennifer Tremblay
- Case No. 2010-003488 Ari Zabell

XIV. ADJOURNMENT FROM EXECUTIVE SESSION

Open session of the meeting for the State Board of Veterinary Medicine adjourned at 1:34 p.m. The Board then entered into Executive Session at 1:35 p.m. and reconvened in Open Session at 4:27 p.m.

A motion was made, seconded, and carried to initiate a case against Douglas Ikeler concerning the facts and evidence included within the Aurora Animal Control report filed in April, 2011 and the records produced by Dr. Ikeler.

A motion was made, seconded, and carried to summarily suspend the license of Douglas Ikeler, pending revocation proceedings. Furthermore, the Board authorized the Attorney General to file such proceedings if necessary, pending the outcome of the initial decision in case 2011-001968.

XV. ADJOURNMENT FROM OPEN SESSION

The final meeting adjournment was at 4:34 p.m. The Board will reconvene on Thursday, August 31, 2011, at One Civic Center Plaza, Conference Room 1550 Large, Denver, CO 80202, at approximately 8:30 a.m.

Attestation:

Pursuant to § 24-6-402(2)(d.5)(I)(B), C.R.S., as Board President, I attest that the Executive Session of the State Board of Veterinary Medicine meeting held on June 15, 2011 was confined to the topics authorized for discussion pursuant to § 24-6-402(3)(a)(II), (III), and (IV), C.R.S.

Approved by Richard G. Leone DVM
Board President

2/15/12
Date